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PRE-APPEAL BRIEF REQUEST FOR REVIEW	Docket Number (Optional)
	Jai 5-4-52

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1 8(a)]	Application Number	Filed
	10/600,995	June 20, 2003
on _____	First Named Inventor	
Signature_____	Jai et al.	
Typed or printed name _____	Art Unit	Examiner
	2155	Benjamin R. Bruckart

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a notice of appeal.

The review is requested for the reason(s) stated on the attached sheet(s).
> Note: No more than five (5) pages may be provided.

I am the

☐ applicant/inventor.

☐ assignee of record of the entire interest.
See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed.
(Form PTO/SB/96)

☒ attorney or agent of record. Registration number **36,597**

☐ attorney or agent acting under 37 CFR 1.34.

Registration number if acting under 37 CFR 1 34 _____

Kevin M. Mason (Signature)

Kevin M. Mason
Typed or printed name

203-255-6560
Telephone number

February 17, 2009
Date

NOTE. Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.

☐ *Total of _____ forms are submitted.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patent Application

5   Applicant(s):   Jai et al.
Docket No: 5-4-52
Serial No.:   10/600,995
Filing Date: June 20, 2003
Group: 2446
10 Examiner: Benjamin R. Bruckart

Title: Automated Transformation of Specifications for Devices into Executable
Modules

15 _____

MEMORANDUM IN SUPPORT OF
PRE-APPEAL BRIEF REQUEST FOR REVIEW

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Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

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Sir:

The present invention and prior art have been summarized in Applicants' prior

30 responses.

STATEMENT OF GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

The present application was filed on June 20, 2003 with claims 1 through 21.

Claims 1 through 21 are presently pending in the above-identified patent application. Claims 1-

9, 14-16, 20, and 21 were rejected under 35 U.S.C. §102(e) as being anticipated over Moir

35 (United States Patent Publication Number 2002/120720), claims 10-14 were rejected under 35

U.S.C. §103(a) as being unpatentable over Moir in view of Tuatini (United States Patent

Publication Number 2001/0047385), and claims 17-19 were rejected under 35 U.S.C. 103(a) as

being unpatentable over Moir and in view of Presley (United States Patent Number

2003/0105838).

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ARGUMENTS

Independent Claims 1, 20 and 21

Independent claims 1, 20, and 21 were rejected under 35 U.S.C. §102(e) as being anticipated by Moir. Regarding claim 1, the Examiner asserts that Moir discloses generating one or more output rules using at least the accessed information, the accessed configuration elements, and the input rules, wherein an output rule corresponds to one or more input configuration elements and wherein said one or more input rules comprise one or more executable statements (page 5, paragraph 58)); and generating at least one executable module adapted to access at least a given one of the input configuration elements and to trigger one or more of the output rules corresponding to the given input configuration element (page 5, paragraph 60). In the Advisory Action, the Examiner asserts that the "configurations are executed to determine and control on how a device is to behave" (paragraph [0056]). The Examiner also asserts that "executable statements is broad and is not limited to code or a certain type of statement" and that "all the Moir reference has to show is that the statements are utilized or executed to perform an operation." The Examiner asserts that the rule program is derived by compiling the rule file and operations file (paragraph [0058]).

Applicants note that the present specification teaches that

> *input rules* are also part of specifications for a device and comprise, for example, *a set of checks or constraints or both* that should be performed before or after a configuration element is accessed. The input rules are generally derived from 'domain experts' (typically network specialists). An input rule is *usually represented as a set of executable statements*.
> (Page 2, lines 24-28.)

The present specification also teaches that

> *output rules* are *determined by using the accessed configuration elements, the input rules, and the way the input rule manipulates its accessed configuration elements*. Regarding the latter, output rules may be determined to deal with modifications to configuration elements, as explained in more detail below. In an illustrative embodiment, *each output rule is generally derived from exactly one input rule and corresponds to the same input configuration element associated with that input rule*. Output rules may be derived from multiple input rules, if desired.
> (Page 3, lines 7-14.)

Finally, the present disclosure teaches that

> an *executable module* is generated that is *adapted to access at least a given one of the input configuration elements and to trigger one or more of the*

output rules corresponding to the given input configuration element.
(Page 3, lines 15-17.)

In the text cited by the Examiner, however, Moir teaches:

[0058] *The virtual machine compiler 60* *utilizes the operations file 62 and the rule file 64 to compile a rule program 66,* which in one embodiment comprises a binary object including a sequence of instructions suitable for the virtual machine 10, discussed above. The rule program 66 comprises a set of operations, selected from operations supported by components of the network connection device 12, for performance by the respective components of the network connection device in accordance with the behavioral requirements defined by the rule file 64. In one embodiment, the rule program 66 may embody a number of sequences, these sequences constituting the classification rules 18, the event management rules 17 and the label management rules 19 discussed above with reference to FIG. 3. (Emphasis added.)

In the present Office Action, the Examiner asserts that paragraph 58 teaches that "the rule program is derived by compiling the rule file and operations file" (Office Action: page 3) and asserts that "the compiler binds processes behavior definitions and operations to data through compiling the operations file and rule files" (Office Action: page 10). Moir teaches, however, that the "*virtual machine compiler 60 utilizes the operations file 62 and the rule file 64 to compile a rule program 66.*" (Emphasis added.) The Examiner has changed this statement to assert that Moir teaches "*compiling the operations file and rule files.*" The statement "compiling a rule file" has a different meaning than "compiling a rule program." The Examiner's statement implies that the rule file contains executable statements; the teaching in Moir does *not* imply that the rule file contains executable statements. Moir does *not* teach that the rule file is compiled and does *not* disclose or suggest that *one or more input rules comprise one or more **executable statements.*** Independent claims 1, 20, and 21 require *wherein said one or more input rules comprise one or more **executable statements.***

Regarding the Examiner's assertion that the "configurations are executed to determine and control on how a device is to behave" (paragraph [0056]), Applicants note that MOIR teaches:

[0056] According to one embodiment of the present invention, a proposed solution to address the above identified network management problems includes *compiling the outcome of a number of discrete configuration steps* into an indivisible rule, which instructs a network device how to behave. This result may provide the advantage of allowing *configuration tasks* to be performed more reliably (and with a smaller code footprint), and also provides a mechanism for increasing the resolution of configuration without an adverse effect on the

device's MTEF. Increased management resolution allows a network designer, for example, to safely exert control over very detailed aspects of the behavior of a network device, such as flow classification and data path features.
(Emphasis added.)

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Moir discloses _configuration steps_; Moir does not disclose or suggest, however, that _configuration files are executed._

Regarding the Examiner's assertion that "executable statements is broad and is not limited to code or a certain type of statement" and that "all the Moir reference has to show is

10 that the statements are utilized or executed to perform an operation," Applicants note that an "executable statement" is a statement that is executable, as would be apparent to a person of ordinary skill in the art. For example, MSDN (http://msdn.microsoft.com/en-us/library/59b7dyw0(VS.80).aspx) teaches that:

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> An executable statement performs an action. It can call a procedure, branch to another place in the code, loop through several statements, or evaluate an expression. An assignment statement is a special case of an executable statement.
> (Emphasis added.)

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Moir, alternatively, teaches:

> [0057] FIG. 9 is a block diagram providing a high level diagrammatic representation of the operation of a virtual machine compiler 60, according to an exemplary embodiment of the present invention. The virtual machine compiler 60 is shown to receive as inputs: (1) _an operations file 62 that describes operations_
25 _supported by components of a particular network device (i.e., component behavior) and constraint definitions, and (2) a rule rile 64 that specifies behavioral requirements of a specific network device._ In one embodiment, these behavioral requirements may be specified as a textual representation in the form of a decision tree.
30 (Emphasis added.)

Contrary to the Examiner's assertion, Moir does _not_ teach that the rule file is compiled and does _not_ disclose or suggest that _one or more input rules comprise one or more_ **_executable statements_**.

Thus, Moir, Tuatini and Presley, alone or in combination, do not disclose or
35 suggest generating one or more output rules using at least the accessed information, the accessed configuration elements, and the input rules, wherein an output rule corresponds to one or more input configuration elements and wherein said one or more input rules comprise one or more executable statements; and generating at least one executable module adapted to access at least a

given one of the input configuration elements and to trigger one or more of the output rules corresponding to the given input configuration element, as required by independent claims 1, 20, and 21.

Dependent Claims 2-19

5   Claims 2-19 are dependent on claim 1 and are therefore patentably distinguished over Moir, Tuatini, and Presley, alone or in combination, because of their dependency from independent claim 1 for the reasons set forth above, as well as other elements these claims add in combination to their base claim.

If any outstanding issues remain, or if the Examiner has any further suggestions

10   for expediting allowance of this application, the Examiner is invited to contact the undersigned at the telephone number indicated below.

The Examiner's attention to this matter is appreciated.

Respectfully submitted,

15

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